

DAYCARE AND NURSERY SCHOOL REQUIREMENTS



Prior to creating a day care facility with 13 or more children or a nursery school with 21 or more children, you MUST obtain a construction permit from the State Fire Marshal's office. You may contact the Plans Review Office at the State Fire Marshal by calling (207) 626-3884.

Daycare facilities are primary care givers for our nations young. With this in mind a certain minimum set of fire safety requirements must be provided in facilities caring for children of other families. The Department of Public Safety elected many years ago to adopt a nationally recognized set of standards for day care facilities and other types of occupancies. The National Fire Academy produces the code which was selected and which was found to be the most popular. These minimum requirements were written and approved by a wide variety of people from all walks of life. All requirements have been thoroughly investigated for intent and expenses associated with meeting these requirements. The Department of Public Safety does not wish to add undue costs or hardships to any provider or recipient of services. They realize that these requirements do not come without a price tag or sorts. Many requirements found in the fire code have alternative remedies or systems of protection that may lessen the burden on developing a day care facility.

Understanding Day Care Requirements

Day Care facilities are divided into three general groups according to the number of children or adults which are cared for at one given time.

1. **Day Care Centers**, offering care to more than 12 children or adults
2. **Group Day Care Homes**, offering care to from 7 to 12 children or adults
3. **Day Care Home**, offering care to 6 or fewer children or adults

Adults have been added to this category because of the increased need for Adult Day Care Facilities. Adult day care facilities providing care on a daily basis to Adults requiring special care whether its because of mental, physical, or just special age needs will be required to meet these same requirements. The minimum requirements are different for all three categories of day care. These differences are based on the different numbers of clients for the three categories.

Nursery schools are required by Maine Revised Statutes Annotated Title 22 8403 to meet the requirements of Day Care facilities. **If the Nursery School cares for 6 or fewer clients the facility must meet the requirements of a Home Day Care. If the nursery school cares for more than 6 but not more than 12 clients the facility must meet the requirements of a Group Day Care. If the Nursery school cares for more than 20 clients the facility must meet the requirements for Day Care Center.**

Day Care Centers more than 12 clients and Nursery Schools with more than 20 clients.

Day Care Centers provide care for more than 12 clients at a time. Proper number of staffing is regulated by the Department of Health and Human Services. The basic type of construction and material that the building is constructed of will determine which floor levels are allowed to be used for day care operations. The following table #2 will illustrate the type of construction and the floor level location permitted to contain a Day Care Center.

	Table 2	
Floor location of day care	Full sprinkler System required	Permitted Construction Types
Basement or below grade	Yes	Non-Combustible (non wood frame)
Ground Level	Not Required	Any Type
Story above Grade	Yes Not Required	Combustible Construction Non-Combustible Construction
2 or 3 floors above grade	Yes	No Combustible construction allowed

It is important to note that the fire code does not allow Day Care Centers to be located in the basement unless the entire building is protected with a fully automatic sprinkler system. If the building is constructed of wood the Day Care Center is not allowed to occupy the basement even if the building is fully protected with a sprinkler system.

Another concern of the requirements of Day Care Centers is when the center is part of another type of occupancy, then known as a mixed-use facility. Some types of mixed-use facilities that are covered by the fire code are as follows

Assembly Occupancy
Storage Facilities
Repair Facilities

Hazardous Operations
Manufacturing Facilities

These occupancies and some hazardous occupancy require fire rated separations between them and the Day Care Center. In such cases Day Care Centers will be required to separate these hazards from the day-care with fire rated walls and divisions to separate the facility from hazards. Repair garages are required to be separated by a two-hour wall because of the dangers associated with automotive repair garages. Not

only is the facility required to be separated but also the exits from the day-care must also be separated with the same two-hour fire rating.

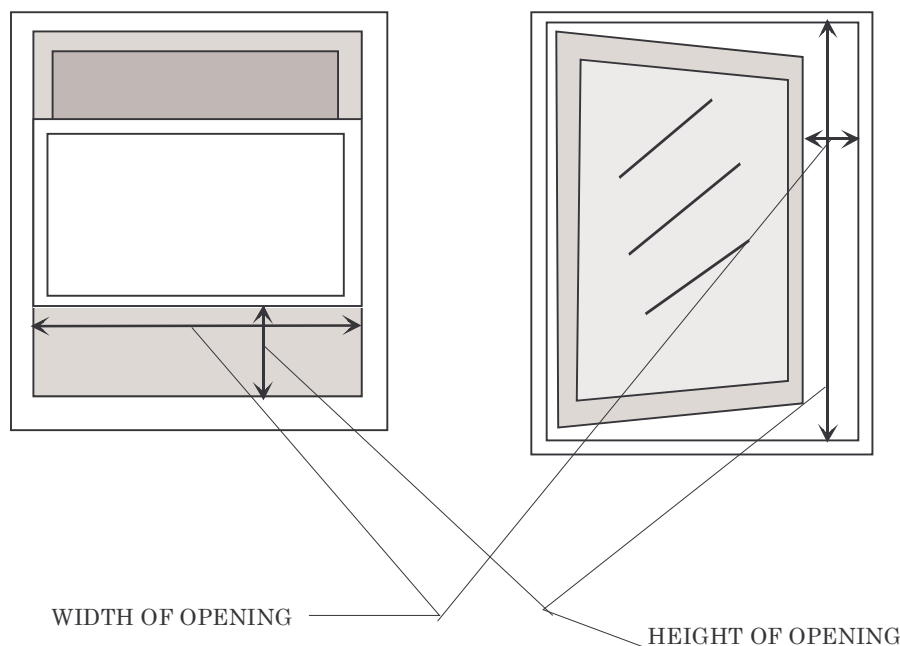
Each room in the Day Care Center is required to have two means of escape. The primary means will be the normal door and/or passage to the outside of the building and leading to a public way. The secondary means of escape will be either another door which is remove from the primary door allowing passage to the outside without passing through the same area or atmosphere as the primary route, or the secondary means of escape may be a window of egress size as shown in figure #1 and Table #3. If neither of these two methods of providing a secondary means of escape is possible the building may be provided with a fully automatic sprinkler system. From the center it there must be two proper exits that will include proper exit doors with proper exit signs and emergency lighting. [Exterior lighting is also a must to provide illumination sufficient for the clients to gain way to the public way.](#)

Centers are required to have a fire alarm system which jay be initiated manually by pull stations and cause an audible alarm that will be heard throughout the center. Smoke detection must be provided in all rooms and/or areas used for the center.

[New Day Care Centers are required to provide a means to automatically transmit an alarm to the municipal fire department.](#)

A center with 100 or more people must have panic hardware on all exit doors. Any room with 50 or more people must have two remotely located exits. The exit doors and any door in the means of exiting must swing in the direction of exit travel.

Any opening between floor levels such as stairwells, pipe chases and similar openings must be protected with fire barriers, walls and doors meeting a one-hour fire rating.




MEANS OF ESCAPE REQUIREMENTS

The Department of Public Safety does not recognize the act of removing the sashes of a double hung window to achieve the minimum of 5.7 square feet of clear opening. The method used by this department in measuring the clear opening of a window is illustrated below. This method uses the opening when the widow is in its normal open position.

32" WIDE TIMES 26" TALL = 832 SQUARE INCHES. WHEN DIVIDED BY 144 THIS COMES OUT AT 5.777 SQUARE FEET.

QUICK REFERENCE CHART FOR DETERMINING WINDOW SIZE

	width 																
height	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36
24	3.33	3.50	3.67	3.83	4.00	4.17	4.33	4.50	4.67	4.83	5.00	5.17	5.33	5.50	5.67	5.83	6.00
25	3.47	3.65	3.82	3.99	4.17	4.34	4.51	4.69	4.86	5.03	5.21	5.38	5.56	5.73	5.90	6.08	6.25
26	3.61	3.79	3.97	4.15	4.33	4.51	4.69	4.88	5.06	5.24	5.42	5.60	5.78	5.96	6.14	6.32	6.50
27	3.75	3.94	4.13	4.31	4.50	4.69	4.88	5.06	5.25	5.44	5.63	5.81	6.00	6.19	6.38	6.56	6.75
28	3.89	4.08	4.28	4.47	4.67	4.86	5.06	5.25	5.44	5.64	5.83	6.03	6.22	6.42	6.61	6.81	7.00
29	4.03	4.23	4.43	4.63	4.83	5.03	5.24	5.44	5.64	5.84	6.04	6.24	6.44	6.65	6.85	7.05	7.25
30	4.17	4.38	4.58	4.79	5.00	5.21	5.42	5.63	5.83	6.04	6.25	6.46	6.67	6.88	7.08	7.29	7.50
31	4.31	4.52	4.74	4.95	5.17	5.38	5.60	5.81	6.03	6.24	6.46	6.67	6.89	7.10	7.32	7.53	7.75
32	4.44	4.67	4.89	5.11	5.33	5.56	5.78	6.00	6.22	6.44	6.67	6.89	7.11	7.33	7.56	7.78	8.00
33	4.58	4.81	5.04	5.27	5.50	5.73	5.96	6.19	6.42	6.65	6.88	7.10	7.33	7.56	7.79	8.02	8.25
34	4.58	4.81	5.04	5.27	5.50	5.73	5.96	6.19	6.42	6.65	6.88	7.10	7.56	7.79	8.03	8.26	8.50
35	4.72	4.96	5.19	5.43	5.67	5.90	6.14	6.38	6.61	6.85	7.08	7.32	7.78	8.02	8.26	8.51	8.75
36	5.00	5.25	5.50	5.75	6.00	6.25	6.50	6.75	7.00	7.25	7.50	7.75	8.00	8.25	8.50	8.75	9.00
37	5.14	5.40	5.65	5.91	6.17	6.42	6.68	6.94	7.19	7.45	7.71	7.97	8.22	8.48	8.74	8.99	9.25
38	5.28	5.54	5.81	6.07	6.33	6.60	6.86	7.13	7.39	7.65	7.92	8.18	8.44	8.71	8.97	9.24	9.50
39	5.42	5.69	5.96	6.23	6.50	6.77	7.04	7.31	7.58	7.85	8.13	8.40	8.67	8.94	9.21	9.48	9.75
40	5.56	5.83	6.11	6.39	6.67	6.94	7.22	7.50	7.78	8.06	8.33	8.61	8.89	9.17	9.44	9.72	10.00
41	5.69	5.98	6.26	6.55	6.83	7.12	7.40	7.69	7.97	8.26	8.54	8.83	9.11	9.40	9.68	9.97	10.25
42	5.83	6.13	6.42	6.71	7.00	7.29	7.58	7.88	8.17	8.46	8.75	9.04	9.33	9.63	9.92	10.21	10.50
43	5.97	6.27	6.57	6.87	7.17	7.47	7.76	8.06	8.36	8.66	8.96	9.26	9.56	9.85	10.15	10.45	10.75

All hazardous areas, laundries, wood-working shops, central heating units, and storage areas shall be separated from day care areas with a full set of walls constructed with a one-hour fire rating including doors having a 45 minute fire rating. All fire rated doors be self-closing and positive latching to provide the proper protection from fire that may occur in these rooms. **This requirement is exempted if the building is fully sprinkled. The rooms/areas must then only have a door that is self-closing and positively latches.**

Un-vented fuel-fired heaters are not allowed in Day Care Centers. (Vented means connected to a listed venting system terminating at the outside of the building and above the building where required by venting system or manufacture of the heating device.)

The following records must be kept at the facility and updated continually as items are maintained and tested:

• Fire Drill records	For one full Year (12 months)
• Smoke detector testing	Monthly/Yearly
• Emergency lighting	Monthly/Yearly
• Exit sign testing	Monthly/Yearly
• Sprinkler System	Quarterly/Yearly
• Alarm System	Yearly

Emergency egress and relocation drills shall be conducted not less than drill shall be conducted. Every month the facility is in session. All occupants of the building shall participate in the drill. If the facility is not open year round, then not less than one extra drill must be conducted within the first 30 days of operation.

All waste containers and wastebaskets must be of a noncombustible or other approved material.

This is only a partial list of the requirements of Day Care Centers. The staff of the facilities must continually be watchful for other hazards or fire dangers that may exist.

Group Day Care Homes

Group Day care facilities are less restrictive in most cases than centers because of the number of clients involved. With a maximum number of twelve (12) clients these facilities are often found in the family home. The requirements for a secondary means of escape from all rooms used for day-care purposes still remains.

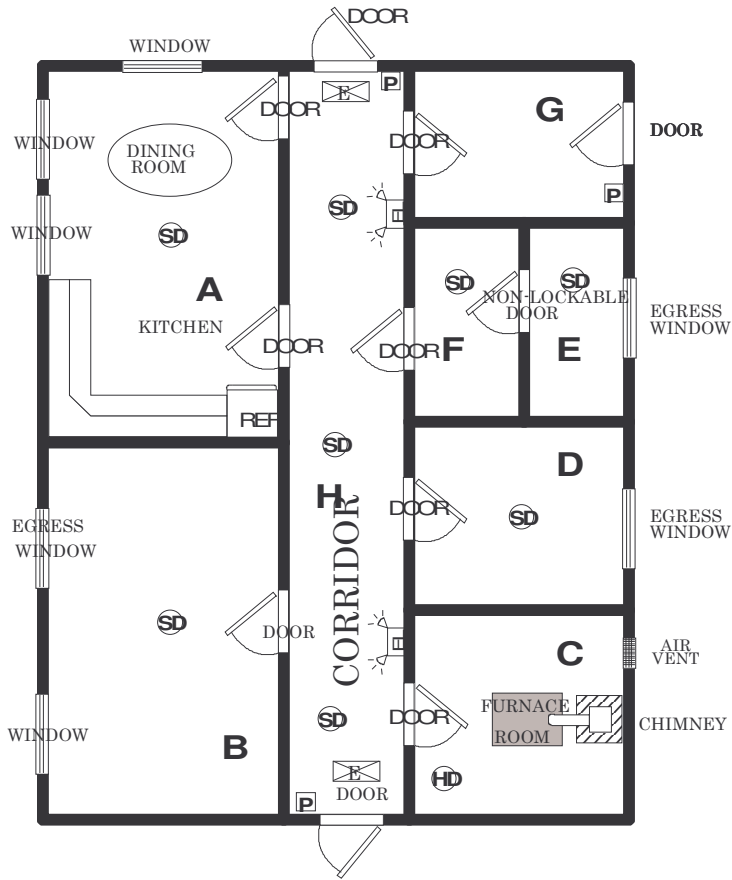
Figure #3 will give the provider an idea of the requirements and placement of smoke detectors that will be required in a group day-care setting. Smoke detectors must be installed in all areas used for day-care and in all napping rooms used by the day-care clients. In new Group Day Care Homes smoke detectors must be installed on all floor levels of the building. All smoke detectors must be supplied power by the building electrical system. In existing day care facilities one required smoke detector must be supplied by the building electrical system. Again in all existing day care facilities, all floor levels must have a smoke detector. All single station smoke detectors, (detectors not interconnected with other detectors or connected to a fire alarm panel) must be tested on a monthly basis and a record kept at the facility. New smoke detectors are available which are generally powered by the building electrical service and also have a battery contained within which will keep them effective even during a power outage. All new

installation of smoke detectors require that they are powered by the building electrical supply and must have a battery back up.

Four Group Day Care Homes (7-12 clients) the basement level and the main floor level must be separated. The door may be at the top or bottom of the stairs and must conform to one of the following: The door must be an ul listed 20-minute fire rated door. It may also be a 1-¾ inch solid wood door. Either door must also have a self-closing device on it that will automatically close the door.

If basements are used for day care purposes an exit with a normal side hinged door (not a bulkhead) must be provided to allow exiting directly to the outside. Remember, all rooms used for day care purposes must have a same egress window or door as required for all other floor levels. Normal basement windows installed during construction are most often too small to meet these requirements. Many new homes in the State of Maine are being constructed with a residential sprinkler system installed at the time of construction. These residential sprinklers systems have been proven in many other states to be life safety systems. With the decreased expense these systems have becomes popular with developers of childcare and health care facilities. Many exceptions t fire codes exist when fully sprinkler protected facilities are changed to other uses saving the developer and clients a lot of money in some cases.

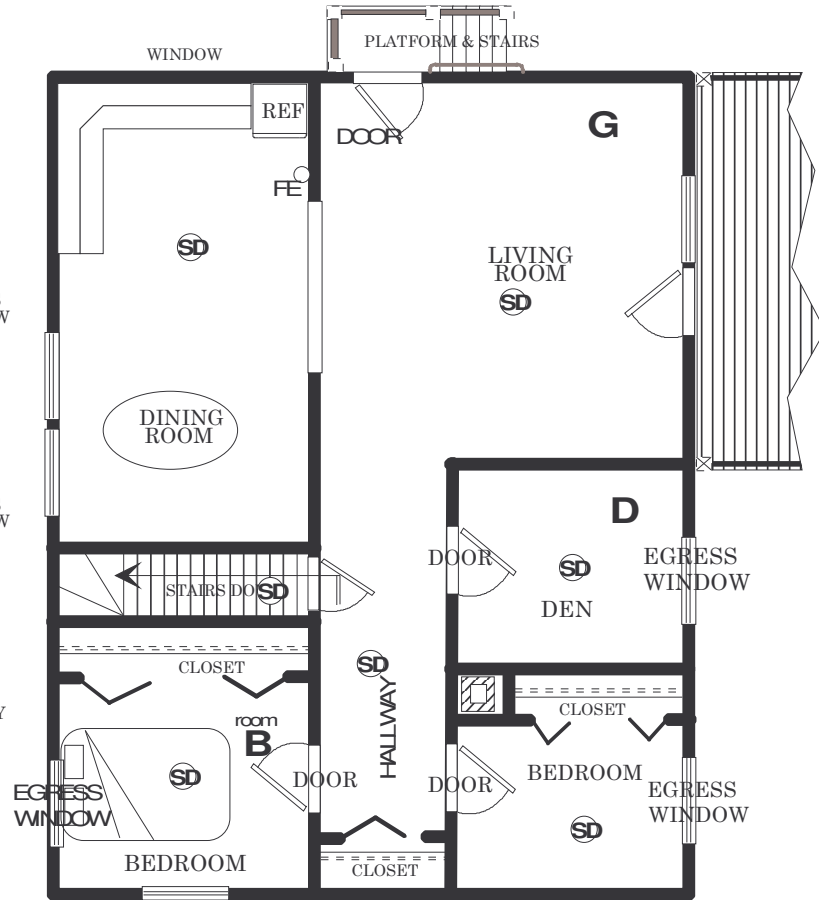
FIGURE # 2



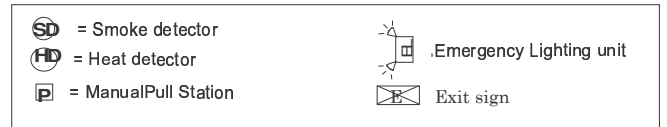
DAY CARE CENTER

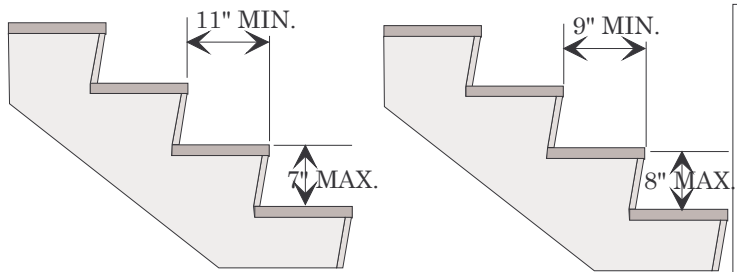


FIGURE # 3



GROUP DAY CARE 7-12
CHILDREN





WIDTH OF STAIRS: MIN. 44 INCHES

NEW STAIRS

WIDTH OF STAIRS: MIN. 36 INCHES

CLASS "B" STAIRS

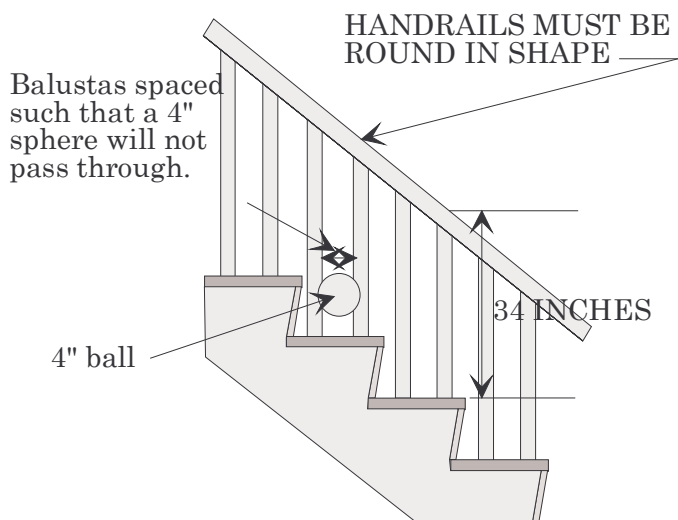


FIGURE # 8

